

HOW NIAGARA
WAS MADE FREE

The Niagara Reservation Act
1885

by
Thomas V. Welch

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The Passage of the Niagara
Reservation Act in 1885

By THOMAS V. WELCH,
Superintendent of the New York State Reservation at Niagara

With compliments of
Thomas V. Welch

Jan'y 6. 1903.

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Reservation Act in 1881

THE HISTORY OF WHICH

IS HERE SET FORTH IN A SERIES OF

ARTICLES

BY THE EDITOR OF THE PRESS UNION AND TIMES

PRESS UNION AND TIMES,
BUFFALO, N. Y.

HOW NIAGARA WAS MADE FREE.

THE PASSAGE OF THE NIAGARA RESERVATION
ACT IN 1885.

BY THE HON. THOMAS V. WELCH,

Superintendent of New York State Reservation at Niagara since its establishment.

When the Legislature of the State of New York convened in 1885, preliminary steps for the establishment of the State Reservation at Niagara had been taken. In a message to the Legislature, Jan. 9, 1879, Governor Robinson referred to a conference with Lord Dufferin and suggested the appointment of a commission to confer with the authorities of Ontario concerning the preservation of the scenery of the Falls of Niagara. May 19, 1879, the Commissioners of the State Survey were instructed by a joint resolution of the Legislature, "to inquire, consider and report, what, if any, measures it may be expedient for the State to adopt for carrying out the suggestions contained in the annual message of the Governor with respect to Niagara Falls."

The commissioners instructed Mr. James T. Gardner, Director of the State Survey, and Mr. Frederick Law Olmsted, to make an examination of the premises and to prepare a plan for consideration. On March 22, 1880, Hon. Horatio Seymour, President of the State Survey Board, transmitted a special report to the Legislature on the preservation of the scenery of the Falls of Niagara; recommending the extinguishment of the private titles to certain lands immediately

adjacent to the falls, which the State should acquire by purchase and hold in trust for the people forever.

A bill to authorize the selection of lands for a state reservation in the village of Niagara Falls, was introduced in the Legislature in 1880, and passed the Assembly, but did not pass the Senate. In 1881 a similar bill was introduced in the Assembly by Hon. James Low, then representing the Second District of Niagara County; but owing to the well-known opposition of Governor Cornell to the project, the measure was abandoned. During the session of 1882, Governor Cornell being yet in office, no effort was made to secure the passage of the Niagara Reservation bill.

In November, 1882, Grover Cleveland was elected Governor. Being a resident of the western part of the State, it was assumed that he was in favor of the preservation of the scenery of the Falls of Niagara. On Dec. 6, 1882, a meeting of gentlemen was held at the residence of Mr. Howard Potter in New York City, to consider measures for the advancement of the Niagara movement. Addresses were made by Messrs. Olmsted, Potter, Dorsheimer, Norton, Harrison and others. A committee, consisting of Messrs. J. Hampden Robb, Buchanan Winthrop, James T. Gardner, J. T. Van Rensselaer and Francis H. Weeks, was appointed to proceed in the matter and to report at a future meeting, which was held at Municipal Hall, No. 67 Madison Avenue, on the evening of Jan. 11, 1883. Mr. D. Willis James presided. The committee, previously appointed, reported in favor of the formation of an association, the object of which should be the preservation of the scenery of the Falls of Niagara, by legislative enactment. The organization was called "The Niagara Falls Association," and the following officers were elected: President, Howard Potter; vice-presidents, Daniel Huntington, Geo. William Curtis, Cornelius Vanderbilt; secretary, Robert Lenox Belknap; treasurer, Chas. Lanier; executive committee, J. Hampden Robb, Buchanan Winthrop, James T. Gardner, J. T. Van Rensselaer, Francis H. Weeks, Robt. W. DeForest; corresponding secretary, Rev. J. B. Harrison.

Invitations to become members were sent out by the

president, and soon the membership grew to 327, mostly residents of New York City and Boston, but including members from many of the cities of the Union, the nearest to Niagara Falls being Hon. Sherman S. Rogers of Buffalo, and the farthest away being Mrs. Brown and Alex. H. Brown, M. D., of London, England. The eighth name upon the list of members is Edward D. Adams, afterward president of the Niagara Falls Power Company. Many women were included in the membership of the association. Each member paid an entrance fee of \$10, by which means a fund of \$3,270 was accumulated, which was increased by donations. The Niagara Falls Association was destined to exercise a great influence in favor of the passage of the Niagara Reservation acts of 1883 and 1885.

A bill, drawn by the direction of the executive committee, was introduced by Hon. Jacob F. Miller of New York City, and passed the Assembly and Senate, and on April 30, 1883, was signed by Governor Cleveland and became a law. William Dorsheimer, Sherman S. Rogers, Andrew H. Green, J. Hampden Robb and Martin B. Anderson were appointed commissioners under the act of 1883. On June 9, 1883, they met at Niagara Falls and selected the desired lands. A survey by the State Engineer was ordered, and it was made under the direction of Thomas Evershed, Division Engineer of the State canals, whose name will be forever associated not only with the preservation of the scenery of Niagara, but with the utilization of Niagara's power.

The making of the survey was a long and difficult work. During the legislative session of 1884, additional legislation, introduced by Hon. George Clinton of Buffalo, was obtained relating to the appraisement. Early in 1884, Luther R. Marsh, Pascal P. Pratt and Mathew Hale, appraisers, were appointed, and the work of appraisal was carried on during the summer months. At its completion their report was made to the commissioners, and by them submitted to the Supreme Court, by which it was confirmed. The total awards were \$1,433,429.50.

Such was the situation at the opening of the legislative session of 1885, when an application was made for an ap-

appropriation to provide for the payment of the awards made for the lands selected and located by the Commissioners of the State Reservation at Niagara, and it is toward the successful efforts made to obtain such appropriation that special attention is directed.

A bill was prepared, providing for the appropriation of the total amount of the awards out of any moneys in the State Treasury, applicable to the purpose. This proposition was not looked upon with favor by the State officers who did not wish to quit office with a depleted treasury, such as this measure would entail. This feeling was strongly expressed by Comptroller Chapin, who, as Speaker of the Assembly, in 1883, withheld the announcement of the result of the vote upon the Reservation bill until a sufficient number of votes could be obtained to secure its passage. This feeling was also shared by the State Treasurer and the heads of other departments, and it soon became evident that the State officials at Albany looked upon the measure with coldness and alarm.

After the organization of the Legislature, Hon. Walter P. Horne, then representing the Second District of Niagara County in the Assembly, stated that the sentiment of the members appeared to be unfriendly, and that the prospects for the passage of the measure were not favorable. In many counties of the State, granges and other organizations of farming people had adopted resolutions denouncing the measure, and in consequence the opposition to the measure was especially strong among the rural members. Fortunately, one of the Reservation Commissioners, J. Hampden Robb, a leading member of the Niagara Falls Association, was also a member of the Senate, and a watchful observer of the situation, and it soon became evident to him that the passage of the Niagara Reservation act would require the active and earnest co-operation of all the friends of the undertaking. At Senator Robb's request the writer met him at Albany, and we went together to the Comptroller's office. Two years previously we had taken the draft of the preliminary bill to Governor Cleveland, to ascertain if he would name the commissioners or if they should be named in the

bill. He said that while he did not ask to be allowed to name them, that he would do so if desired, adding significantly that if the Reservation were to be established, the sooner it were done the better, as it could be done much more reasonably at that time than in 10 or 15 years in the future.

On this occasion Comptroller Chapin being absent, we were received by the Deputy Comptroller, Thomas E. Benedict, who said he was sorry to see "two such good fellows" there upon such a mission. In the Legislature of 1883, Mr. Benedict, then a Member of Assembly from Ulster, had been the most outspoken opponent of the Reservation bill, upon grounds of public policy and economy. He greatly magnified the actual cost of the undertaking, and ridiculed the idea of people bowing down to worship a waterfall. Ten years afterward, when he was Public Printer at Washington, under President Cleveland's Administration, he saw Niagara for the first time, and he expressed the opinion that it never should have been private property.

Mr. Benedict stated to us that in his opinion the proposal to withdraw one and a half million of dollars from the State Treasury, for such a purpose, would never be sanctioned. He added that the Deputy Attorney General, who had apartments in the same house as Mr. Benedict, had mentioned to him a way in which it might be accomplished and he advised us to go and confer with him. This suggestion from an honest opponent, proved to be the guidance to the road to success.

The Deputy Attorney General of the State at that time was Isaac H. Maynard, afterward Judge of the Court of Appeals. He outlined to us the plan which he had mentioned to Mr. Benedict, which was, for the State to issue bonds for \$1,000,000, payable in 10 annual installments, and to pay the remainder of the awards out of the funds in the Treasury. He stated that the Constitution of the State permitted the issue of bonds for \$1,000,000, for a public purpose, and he gave it as his opinion that the case in point came within the purview of the Constitution. At our request he drafted a bill in accordance with the plan outlined by him, and after some amendments had been made to it, it was sub-

stituted for the bill first prepared. This bill, Assembly Bill No. 490, was afterwards introduced by Hon. Walter S. Hubbell of Monroe, and was referred to the Committee on Ways and Means.

The meeting with Senator Robb resulted in the commencement of an agitation for the passage of the bill. It was arranged that the Niagara Falls Association should send its corresponding secretary, Mr. J. B. Harrison, throughout the State, to bespeak the coöperation of the editors of newspapers and magazines, writers, college professors, clergymen, and professional and business men generally; the idea being, as Mr. Harrison expressed it, to make as many people think Niagara, and talk Niagara, as was possible. It was also decided that a citizens' committee should be organized at Niagara Falls to coöperate with the Niagara Falls Association. The work done at Niagara Falls was so effective that a record of it should be preserved.

A meeting of a number of prominent citizens of the village of Niagara Falls was held to hear the report of the conference with Senator Robb at Albany, and to consider measures to be taken to aid in passing the Reservation bill. Various propositions were discussed, and finally a plan suggested by the writer was adopted. This, in brief, was, that he should write to each Member of Assembly for the years 1882, 1883 and 1884 with whom he had been associated in Albany and ask each one to send him the names and post-office address of 20 or more of the most influential citizens of his Assembly district, and that each of such prominent citizens should be requested to write to his representatives in the Senate and Assembly, asking them to favor the passage of the Reservation bill.

Among the active members of the committee were Messrs. Delano, Gaskill, Spaulding, A. H. Gluck, Kinsley, Cutler, Low, Flagler and Schoellkopf.*

* At the opening exercises, July 15, 1885, the Citizens' Committee also included Messrs. S. M. N. Whitney, S. Geyer, E. M. Clark, H. S. Ware, A. W. R. Henning, Hon. S. S. Pomroy, Hon. W. P. Horne, Hon. Wm. Pool, Hon. P. A. Porter, H. Nielson, M. Harrington, G. M. Colburn, C. O'Loughlin, Benj. Rhodes and J. Binkley.

For convenience the Spencer House was made the headquarters of the committee. Mr. Alvah Cluck, the proprietor, generously placed a room on the first floor at their disposal. Mr. A. H. Gluck was earnest and active in his coöperation, doing everything in his power promptly and cheerfully, and his enthusiasm and the many facilities afforded by the hotel aided largely in carrying on the work. Mr. Frank Davidson, clerk in the office of the International Hotel during the summer of 1884, was employed as clerk. This selection was most fortunate. The work entrusted to Mr. Davidson was performed with intelligence, rapidity and thoroughness, the evidences of which are existing. After the work was completed, documents compiled by Mr. Davidson were used with advantage by the Forestry Association of the State. As the work proceeded Mr. David L. Lanigan was also employed and rendered efficient service. Numerous employes of the Spencer House and others were drafted into service, from time to time, as emergency required. The zeal of Mr. A. H. Gluck was such that it seemed as if the entire staff of the Spencer House were liable to enrollment at any time to aid in the prosecution of the work. The following letter was sent to each Member of Assembly for the years 1882, 1883 and 1884:

NIAGARA FALLS, Jan. 26, 1885.

DEAR SIR:—Our former pleasant association together in the Assembly induces me to write to you about the bill to be introduced at this session "For the Preservation of the Scenery of the Falls of Niagara," and to open the grounds around them to the public, free of charge, for all time to come.

The state of affairs existing here at present is a disgrace to the American people and especially to the State of New York, which holds the great cataract within its boundaries. May I ask you to aid in the work of preserving and restoring the Falls of Niagara to the people, by sending to me, on the enclosed blank, by return mail, the names and addresses of twenty or more of the most influential citizens of your district? I will be very glad to get a line from you. Your kind attention will oblige,

Very sincerely yours,

THOMAS V. WELCH.

With each letter there were enclosed a blank form for names and addresses, and a stamped and addressed envelope for the reply. The letters received in reply are now bound and make a good-sized volume. They form a consensus of opinion from all the counties of the State upon the Niagara movement of that year. Some of them treat quite at length upon questions of public economy, taxation and state policy. Some of the legislators and ex-legislators thought the Nation, and not the State, should take measures to preserve the scenery of Niagara. Others feared it would lead to a public scandal similar to that incurred in the construction of the new Capitol. Still others regarded it as the entering wedge to the gigantic Adirondack Park scheme, which they condemned. This feeling of opposition manifested itself in sections so near to Niagara as to occasion surprise. John H. Rochester, Secretary of the Mechanics' Savings Bank of Rochester, wrote:

Our Member of Assembly writes me as follows: "You can have no idea of the amount of pressure which is being brought to bear on me in opposition to this bill. Some of Rochester's most prominent citizens have been here to advise me to oppose it, and I am daily in receipt of letters asking me to take that course, and threatening me with political oblivion should I vote for the bill. I have also been asked to introduce a bill, to submit the proposition to a vote of the people, at the next general election. . . . As I am not cowardly enough to dodge the question I will endeavor to do that which will be pleasing to my friends and vote for it."

Francis Hendricks of Syracuse, afterwards Collector of the Port of New York, said it would have to wait, with other similar schemes, until the then existing financial depression should be dispelled. C. E. Smith of Yates, and others, said they had received remonstrances and would vote against the bill. John E. Cady of Tompkins said that, excepting some professors in Cornell University, 20 persons could not be found in his county who favored the bill. E. A. Nash of Cattaraugus replied in a fashion somewhat Milesian: "Somewhere in that locality is a gentleman by the name of C. B. Gaskill. Does he look with any degree of favor upon the project?" Osborne of Albany replied that he had re-

ceived a letter from Benson J. Lossing, the historian, who resided in his county, urging him to favor the passage of the bill. William F. Sheehan stated that he would do all in his power to bring about the passage of the bill; and most important of all General James W. Husted, the leader of the majority in the Assembly, wrote: "I am as earnestly in favor of the Niagara Park as yourself, and I will do all that lies in my power to secure the passage of the bill." Senator Titus wrote: "I have always favored the project and will vote for it when it comes up," which he did and advocated and defended it on all occasions in the Senate. Many of the rank and file responded in terms of personal good will, but added that before committing themselves upon the measure they desired to ascertain the wishes of their constituents, and that they would be governed by them.

To reach their constituents was the next step in order, for which purpose the names of prominent persons in the several counties of the State had been requested. Nearly every person addressed, whether friendly or unfriendly toward the bill, complied with the request for a list of names. The lists received are bound in a volume, and after deducting duplicate names sent in some instances, it contains the names and postoffice addresses of over 4,000 citizens, prominent in the several counties of the State in the year 1885. In many instances a list is headed by a name so prominent as to at once make known the "local habitation" of its associates following it. For example, Grover Cleveland, Horatio Seymour, R. E. Fenton, Samuel J. Tilden, Lucius Robinson, Seth Low, Geo. B. Sloan, James J. Belden, D. W. Powers, Pascal P. Pratt, G. T. Williams, Geo. William Curtis, Erastus Corning and E. L. Pitts.

For many reasons it was thought best to seek the co-operation of these thousands of prominent citizens of the State, through the Niagara Falls Association. A letter was prepared by the writer and forwarded to New York for the signature of the president and secretary of the association, and 5,000 copies of it were lithographed on the letterhead of the association at the office of the *Evening Post* newspaper in New York City. The letterhead contains the names of

the officers and executive committee of the association, which included many prominent citizens of the City of New York. The following is a copy of the circular letter :

NEW YORK, Feb. 20, 1885.

DEAR SIR:—The question of preserving the scenery of the Falls of Niagara from destruction, and of opening the grounds around them to the public, free of charge, for all time to come, has been in agitation since Governor Robinson, in 1879, called the attention of the Legislature to the advisability of appropriate action.

All the preliminary legal steps have been carefully taken by the State and a bill is now pending in the Legislature to accomplish the final result.

The state of affairs at present existing at Niagara Falls is a reproach to the American people, and especially to the State of New York, which holds the great cataract within its boundaries. The preservation and free enjoyment of its beauty and grandeur appeal to the best impulses of our natures, and to the intelligent patriotism and culture of the people of our State.

We take the liberty of earnestly asking you to aid in the work of saving Niagara, by at once writing a letter to your representative in the Assembly, urgently requesting him to vote in favor of the measure. We enclose a blank for that purpose, and ask you, also, to kindly advise us by return mail, if you will coöperate with us as requested.

Very respectfully yours,

HOWARD POTTER, *President.*

ROBT. LENOX BELKNAP, *Secretary.*

A copy of this letter was mailed to each person whose name and address had been obtained. Enclosed with it, as stated in the letter, were a blank envelope, stamped, and containing a sheet of paper for use in writing to the representative in the Legislature; also a printed form, enclosed in a stamped envelope addressed to the corresponding secretary of the association for use in replying to the association as requested. In this manner every precaution was taken in order that any well-disposed person, on receipt of the letter, might have *at hand* the materials for complying with the request of the association without any expense or delay.

The replies received by the secretary of the association are bound in four volumes, each reply giving the names of

the Senator or Assemblyman who had been requested to vote for the Reservation bill. Sometimes copies of the letters sent to Senators and Assemblymen are appended, and also copies of the replies received from the legislators. More frequently a foot-line gives the substance of a reply from Albany, or the result of an interview with a representative, or contains a promise to call upon the member on his return home.

The foot-lines and letters are highly interesting reading, and contain opinions, good and bad, freely expressed, concerning representatives in the Legislature, some saying that they have absolute confidence in their members to act wisely upon the proposed measure; and others denouncing their representatives as corrupt, venal and untrustworthy. Rev. Howard Crosby's sarcasm is hardly creditable to him, when he says: "I have been ill, but I would now send the letter, if I knew who was Senator from my district." His Senator was Hon. James Daly, one of the foremost advocates of the Reservation bill. Some of the letters contain flat denials to comply with the request. John I. Platt of the *Poughkeepsie Eagle* wrote: "We regard this Niagara Falls scheme as one of the most unnecessary and unjustifiable raids upon the State Treasury ever attempted, consequently we shall *not* write any letters in its favor, but shall oppose it in any way that seems effective." The clerk into whose hands this letter fell marked it "N. G.", which mark it still bears. A few years ago Mr. Platt visited the State Reservation. He was deeply interested in its management, and seemed to have lost all of the bitterness manifested at the time of the passage of the bill.

Some denounced the bill as a "job" and a "steal," and berated Niagara Falls and its citizens, particularly the hackmen, hotelmen and bazaar-keepers, as sharks and swindlers, who had robbed the people individually and were now seeking to rob them collectively. They said they would oppose the bill by every means in their power; hoped it would be defeated; and then they returned the form for a reply without having the courage to sign their names to what they had written. These bursts of temper were mildly suggestive of

strangers who had visited Niagara and had suffered at the hands of her showmen in the golden days of Niagara cabmen, now forever flown.

J. P. Austin of Unionville wrote that opponents were circulating a remonstrance in that village and asserting that the tax upon that town for the Reservation would be \$20,000. He wished to refute this statement. Many were outspoken in favor of the bill. Benj. Doolittle of Oswego wrote: "I am heartily and earnestly in favor of the passage of this bill, even if the State has to pay largely for it. It is one opportunity of a life-time. Am willing to pay my portion of the tax. Go ahead!" H. H. Frost said: "The *East Norwich Enterprise* [of which he is editor] has its columns open in behalf of the bill." "C. Hitchcock, Pres., for the Board of Trustees of Homer Village," Cortland County, is signed to one of the replies. Seth Low, then Mayor of Brooklyn, asked for a copy of the bill and information concerning its situation in the Legislature. A. Wentworth of Randolph, Chautauqua County, wrote that he had written to his member, adding: "I received the request from Hon. B. Flagler of Suspension Bridge." Thomas Evershed of Rochester asked: "Would a good copy of the map of the Reservation be of assistance?" S. M. Smith of Dunkirk, whose handwriting appears to be that of an old man, wrote that he also induced George Isham, Byron Rathburn and George E. Blackburn to write to Senator Vedder. Robert Jones of Syracuse, Stephen D. Perkins of Little York, S. V. Terrell of Brooklyn and others wrote, stating the number of persons they had induced to coöperate. Pascal P. Pratt of Buffalo wrote: "My services are at the command of the Niagara Falls Association, and I am willing to do all I can to promote the object sought." Thompson Kingsford of Oswego wrote: "I have this day mailed a letter to our representative in the Legislature, Hon. Henry C. Howe, requesting him to support the bill 'To preserve the scenery of the Falls of Niagara.'"

One of the most enthusiastic and effective laborers for the bill was Prof. E. Chadwick, who wrote from Canandaigua that he had written to Senators Raines and Robinson

and Assemblyman Clark E. Smith of Ontario and Yates counties, requesting them "to use voice and vote to preserve the scenery of the Falls of Niagara by proper legislation and make its beauties free to all, like the sun in heaven." To make his letter as effective as possible he had it endorsed in Canandaigua by county officers, ex-county officers, ex-senators, ex-assemblymen, attorneys and bankers, 20 of whose names are given, and then he added, "and others"! W. A. Wadsworth wrote from Washington: "Considering what the State has paid for the Capitol at Albany, the price asked for the Falls of Niagara seems reasonable enough." A. Winters of Cannonville, speaking of his visits to Niagara, said he was "always pleased with the *scenery*, but did not like the *robbery*." S. M. Shaw of Cooperstown, referring to our one-time townsman, Hon. W. Caryl Ely, then representing Otsego County in the Assembly, said: "There is no use in writing to our Member of Assembly on the question of appropriations. He is a man of positive views and convictions, and I do not feel at liberty to ask any favor in the direction you request." S. M. Thurber of East Worcester, Otsego County, wrote that he had written to his representative in the Assembly, W. Caryl Ely, asking him to vote for the bill. In a foot-note marked "*Personal*"—which injunction may now be fairly taken to be outlawed—he adds: "If you have any doubt about this *vote* write me at once." It also appears that G. Pomeroy Keese and Theo. C. Turner of Cooperstown, John McCarthy of Middlefield, E. L. Gustin of East Worcester, S. M. Ingalls of Springfield, J. K. Leaning, M. D., of Fly Creek, George Merritt, M. D., of Cherry Valley, G. Hyde Clarke of Hyde Hall and others wrote to Mr. Ely in like manner. Mr. Ely voted for the bill. Edward Wait of Lansingburgh stated that he had written to his member, asking him to vote for the bill "and also, if possible, to have a clause in the bill providing for the occasional hanging of a hackman of that locality."

Very Rev. P. V. Kavanagh, president of Niagara University, sent copies of the circular letter to the alumni of the college residing in the State. Among the names of clergymen scattered through the four volumes of replies, appear

the signatures of Bishop Ryan, Fathers Bloomer, McNabb, Darcy, Maloy, McShane, Biden, O'Connor, Sullivan, Daly, Grattan and the venerable Father Sylvester Malone of Brooklyn, regent of the University of the State of New York. Near home, appear the familiar and welcome signatures of Rev. Foster Ely of Lockport and Rev. John S. Bacon of Corning. About the middle of volume four is the trembling signature of the venerable Gouverneur Morris, and a little farther on in the same volume, although the leaves are put together at haphazard, bunched together, are the signatures of Albert Bierstadt, Charles A. Dana, Wm. H. Seward, Reuben E. Fenton, Francis Kernan and Benson J. Lossing, the historian.

Whatever of added interest or value among the replies received, a thorough acquaintance in the State might reveal; in turning over the leaves, even an ordinary glance lights with pleasure on such signatures as Wm. A. Wheeler, Erasmus Corning, Rufus W. Peckham, Theodore Vorhees, Edgar Van Etten, Thomas L. James, Thomas K. Beecher, Wm. Allen Butler, Ripley Ropes, Alfred C. Coxe, Pascal P. Pratt, John B. Stanchfield, Randolph B. Martine and many more of equal prominence and distinction. Clergymen, educators, editors and attorneys are well represented, as might reasonably be expected. Medical men are prominent, as seen by the frequent occurrence of the affix "M. D." after names. Large employers of labor, like Thompson Kingsford of the Oswego starch factory, are numerous; men whose voices are powerful in the halls of legislation—precisely the influence needed to secure the passage of the Niagara Reservation bill.

The month of January, 1885, was spent in dispatching letters to Members and ex-Members of Assembly, requesting the lists of names. The replies received were carefully noted in order to take advantage of any information or suggestion they might contain. The names received were arranged alphabetically, so as to avoid duplication. Frequent correspondence was had with the secretary of the Niagara Falls Association, the commissioners of the State Reservation, and their attorneys, Allen, Movius & Wilcox of Buffalo.

The attorneys were at that time endeavoring to draft the Reservation bill so as to meet the views of the commissioners and certain of the State officers. Under date of Jan. 21, 1885, Ansley Wilcox wrote:

BUFFALO, N. Y., Jan. 21, 1885.

HON. THOMAS V. WELCH,
Niagara Falls, N. Y.,

DEAR SIR:—I send you today, as I promised, our draft of the bill to be presented to the Legislature by the Commissioners of the State Reservation at Niagara. As I wrote you on Monday, the form of this bill has not been approved by the Commissioners, and we shall urge them very strongly to change it materially, although it is now drafted in accordance with their suggestions. We think that the two parts of the bill, the one appropriating money for the payment of the awards, so as to clinch the legal proceedings, and the other, providing for the powers and duties of the Commissioners in the future, should be separated, so that the appropriation bill may be presented to the Legislature unincumbered by any such details, and afterwards the other bill may be introduced separately. We have very little doubt but that the Commissioners will accept this view.

Then as to the appropriation bill itself, we do not think the form in which it is embodied in the first three sections of the bill, enclosed herewith, will be adopted. We think, and this view we have formed after consultation with Deputy Comptroller Benedict, that all that is necessary for us to do in our bill, is to provide for the appropriation of the money to pay the awards, and give explicit directions as to their payment. The matter of raising the money by a tax need not be provided for in this bill, and the Deputy Comptroller seemed to think that it was better for us not to undertake to provide for it. We have not been able to see Mr. Chapin, the Comptroller, himself, on this point. . . .

I was in Albany yesterday, and had a chance to consult Mr. Robb, and other persons, in regard to the prospects of the appropriation. All seemed to think that the occasion is favorable, and the prospects are very good; but it will require vigorous work to get it through in time, if any opposition is developed. Yours truly,

ANSLEY WILCOX.

Early in February a conference was desired concerning the provisions of the bill, which had not yet been introduced. At this time printed statements were sent to each member of the Legislature, probably by the State granges, denouncing

the Reservation bill, and giving, in greatly exaggerated figures, the estimated tax on each of the rural counties. To counteract this an official statement was obtained from the Comptroller's office, giving the assessed valuation of the property in the State, and the tax rate that would produce a million and a half of dollars. This statement was widely published through the State.* The first lot of the circular letters, about 1,000 in number, were mailed by messenger in Buffalo. The postoffice officials in Buffalo did not understand why Niagara Falls matter should be mailed in Buffalo and questioned the messenger closely. Thereafter the mail matter was sent by express to New York City and mailed at that point.

Charles S. Fairchild, chairman of the executive committee of the Niagara Falls Association, informed the writer that he would be obliged to turn the work over to other hands in order to accept the office of Assistant Secretary of the Treasury of the United States, which had been offered to him through Mr. Daniel Manning. He requested a conference on the further prosecution of the work. When the first lot of circular letters was mailed the writer immediately took the train for New York in order to be upon the ground to note the result of the work that had been done. The headquarters of the association were at the office of Robb & Peet, 17 William Street. Mr. Robb was in Albany attending to his duties as a Senator, and the office was in charge of his clerk, Charles F. O'Keefe, who devoted nearly all his time to the work of the association. For four months he received the mail of the association, forwarded a large part of it to Niagara Falls, obtained and forwarded stationery and printed matter, sought out influential people and delivered letters to them, and by his prompt and courteous attention to every detail, in many ways assisted in carrying on the work.

Mr. Fairchild was succeeded as chairman of the executive committee by Francis H. Weeks of the law firm of DeForest & Weeks, 120 Broadway, who conducted the work with great ability, heartily responding to every suggestion

* The assessed valuation in the State was \$3,014,591,372, on which a $\frac{1}{2}$ mill tax would produce \$1,507,295.69.

received from Niagara Falls, and giving his time largely to the work of the association.*

On arrival at the office of the association it was found that a number of responses from near-by counties had already been received. In a day or two the responses poured in with increasing rapidity, and although only a small portion of the circular letters had been mailed it soon became evident that already hundreds of letters had been forwarded to Albany from various counties in the State, requesting Senators and Members of Assembly to vote for the Reservation bill. In many cases the association also received letters from the persons addressed, expressing their sympathy with the movement and asking if there was anything more which they might do to further it. It having been demonstrated that a large percentage of the people addressed were responding favorably, the responses received were taken to Niagara Falls, and the work at that point urged on with renewed energy.

Feb. 18th, Senator Robb introduced the bill in the Senate. It was referred to the Finance Committee, and a hearing promised the week following. On the same day Senator Robb appeared before the Ways and Means Committee of the Assembly and procured a postponement of the final hearing on the bill to delay action introduced for Rowland F. Hill, one of the property owners, until such a time as a joint hearing could be arranged, which was to be attended by Sherman S. Rogers, Ansley Wilcox and others. On Feb. 19th, Hon. Walter Howe, from first to last an ardent friend of the measure, wired: "Hearing on Robb's Niagara bill next Thursday afternoon." The Niagara Falls Association gave substantial aid in carrying on the work at Niagara Falls.

On Feb. 25th, Senator Robb wired: "Hubbell introduced bill in the Assembly this morning, and hearing tomorrow afternoon is joint hearing both committees—and is on commissioners' bill only. Advise your being present."

* A year or two later Mr. Weeks gave valuable aid and counsel to those engaged in the story of obtaining capital for the construction of the hydraulic tunnel, the story of which has never been told.

Francis H. Weeks and Ansley Wilcox wrote to the same effect at greater length, saying that the commissioners and Mr. Fairchild were to be present and would remain in Albany for a day or two for consultation as to future measures to be taken for the advancement of the bill.

On the evening of Feb. 25th the writer took the train for Albany. In the smoking-room of the sleeping-car, which was found unoccupied, notes were made on a postal-card received from Mr. Delano for an address before the joint committee of the Senate and Assembly on the morrow, giving the history of the movement from its inception, quoting prominent men of both political parties who had put themselves on record in favor of it, among them the chairman of the State Committee, of each of the great parties, ex-Speakers Alvord, Littlejohn, Sharpe, Patterson and Sheard, Erastus Brooks, Poucher of Oswego, Thompson of Jefferson, Clinton of Erie, and Boynton of Essex, the chairman of the previous Republican State convention. The state of affairs existing at Niagara was given from a resident's point of view, and an effort was made to remove the idea that Governor Hill would veto the bill if it were passed, by pleading that Governor Cleveland, who made way for him, favored the bill, as also did Governor Robinson, his townsman, who originated it, and that Governor Hill would not be unmindful of these considerations.

The hearing before the joint committee, held in the Senate Chamber, Thursday afternoon, Feb. 26, 1885, drew a large audience, many women showing their interest in the bill by their presence. Senator Ellsworth and Assemblyman Horne were present. Addresses were made by Sherman S. Rogers, Senator Robb, the venerable Martin B. Anderson, president of Rochester University; members of the Niagara Falls Association and others. The opposition to the bill was stated in an able manner by Rowland F. Hill. Many questions were asked by the members of the committee, to ascertain if the lands selected were sufficient, or if the State would be called upon again to purchase more; if large annual appropriations would be required; if expensive artificial structures were contemplated; if it were probable that the

Dominion Government would follow the example of the State of New York; with many other inquiries and objections. At the close of the hearing the impression prevailed that the majority of the committee were in favor of the bill.

A meeting was held at the Spencer House, Niagara Falls, Feb. 27th, and a report made concerning the hearing at Albany. The work of sending out the circular letters was still going on. On March 9th Mr. O'Keefe wired: "Received 915 responses. They still continue coming in." Mr. O'Keefe was requested to forward all responses received to Niagara Falls immediately.

Two weeks elapsed and the bill was not reported either in the Senate or Assembly. On March 9th, Senator Robb wired: "Advise your coming at once to Albany," and on March 10th: "Lansing promises to report bill *for consideration*." On the evening of March 11th the writer started for Albany, and met Ansley Wilcox by appointment at the Central station in Buffalo for consultation. On arrival at Albany it was found that the majority feared that if the bill was passed, Governor Hill would veto it in order to make political capital for himself. Until some assurance to the contrary could be obtained they refused to report it from the committee. No intimation of the Governor's action could be obtained in advance, and in the meantime the bill was quietly "pigeon-holed." It was decided to make a special effort to have the bill reported by the Ways and Means Committee of the Assembly of which General James W. Husted was chairman. With this object in view, the writer went on to New York, armed with letters to many prominent people known to have great influence with the chairman of the Ways and Means Committee. A conference was had with Francis H. Weeks at his office, 120 Broadway. It was decided to seek personal interviews with Cornelius Vanderbilt, Chauncey M. Depew, Richard McCurdy, John McCook, C. A. Peabody, Jr., Rev. Edward McGlynn, and with Hugh McLaughlin, J. S. T. Stranahan of Brooklyn, and others. Mr. McLaughlin was found by the writer at his headquarters in an auction-room in Brooklyn. He read Senator Robb's letter, and then said: "Oh, yes; I know you. Our

boys have told me about you. All that's the matter with you is that you are too damned straight, but if you lived here in Brooklyn you would feel and act just as we do."

This had reference to many failures on the part of the writer to act with the Brooklyn delegation in legislative matters. Mr. McLaughlin inquired minutely concerning the condition of the bill, and the attitude of the Brooklyn members. He said that he was heartily in favor of the measure and would do all in his power to secure its passage. He then wrote a letter to the leader of the Brooklyn delegation, expressing his views, and requesting him and his colleagues to vote for the bill. This letter was subsequently delivered and produced the desired effect.

The sympathy and interest in the preservation of the scenery of Niagara displayed by "Boss" McLaughlin was in marked contrast with the coldness of ex-Governor Cornell. Meeting him upon the train between Albany and New York, he said to the writer: "Are you down here about that Niagara Park bill?" On being answered in the affirmative, he said: "It is well for you that I am not the one to deal with it." When asked, "Governor, you surely do not think it right that the Falls of Niagara should be fenced in, as they are at present, and the public charged to look at them?" he answered, "Of course I do. They are a luxury and why should not the public pay to see them?"

Governor Cornell's opposition to the measure was also in marked contrast with the deep interest manifested by another man whose name has since become widely known—Rev. Edward McGlynn, D. D. When his aid was asked in a letter from Rev. James A. Lanigan of Niagara Falls, he at once wrote to Senators Murphy, Cullen and Daly, saying:

I have been asked by the Niagara Falls Association to help them in their laudable effort to preserve the scenery, etc., of our famous Niagara, and as there is a bill to come before the honorable body of which you are a member, I write you specially to ask your vote in its favor and your influence among your associate members to the same end; as I am in full sympathy with this movement and think no petty parsimony, or sectional or selfish antagonism should stand in the way of a bill meant to preserve one of the glories of our State and country.

Very sincerely yours,

EDW. MCGLYNN.

Mr. Stranahan was also interviewed and his coöperation obtained.

A call was made at the Grand Central station and a telegram was sent by Mr. Depew to Mr. Husted, asking that the bill be reported. Mr. McCook was found at the Equitable building, and a like telegram forwarded. Mr. McCurdy was seen at the Mutual Life building, and he cheerfully communicated with Chairman Husted. Several days were devoted to work of this kind. On March 20th an interview was had with Mr. Peabody. He immediately forwarded a telegram to Albany and requested another call at his office on the way up-town in the evening. On calling as requested he produced a telegram from Chairman Husted, saying: "Niagara bill special order Tuesday morning." The bill had been reported favorably in the Assembly after two weeks of labor to accomplish it.

On March 18th, A. Augustus Porter wrote favoring the proposed change in the bill, providing for the issue of bonds, and urging that the land-owners be given the option to take bonds in payment, saying: "This course would, I think, be most decidedly agreeable to those who now have land investments which the State proposes to throw into money for reinvestment." Although provision was finally made for an issue of bonds, which were taken by the State as an investment for the State funds, at this time the counsel for the commissioners was strongly opposed to such an amendment. The objections to it were thus stated by Mr. Wilcox:

HON. T. V. WELCH,

MY DEAR SIR:—Your favor of the 13th inst. received. The news is mixed, good and bad. I hope no amendment providing for issuing bonds will be tacked on *unless absolutely necessary—to prevent failure of the bill*. This subject has been fully discussed by Mr. Rogers, Mr. Dorsheimer and myself and we all agree that such a provision would be very dangerous. If anyone raised the point I think it would certainly be held to be unconstitutional.

To be sure, the point *might* never be raised—and if it were raised the courts would strain everything to help us through; so it might turn out differently from my expectations.

Again, if the first two sections are left *just as they are*, making an absolute appropriation and giving absolute directions for payment,

then the addition of an unconstitutional section providing for the issue of \$1,000,000 bonds would not invalidate the two preceding sections. They would stand independently and would operate on the money which is actually in the treasury. So in this view the addition would not be fatal to the project.

But why does anyone who has brains to comprehend the situation want such an addition? Why should the State borrow \$1,000,000. when it has \$2,500,000 surplus on hand, and nothing to do with it? I can't see. If you have a cash balance of \$2,500 lying idle in one bank, would you go to another and borrow money to pay your butcher's bills?

I expect to go to Albany Tuesday eve, or Wednesday eve at latest, and shall be there two or three days.

Yours very truly,

ANSLEY WILCOX.

P. S.—If it appears to be *necessary* to consent to any such addition to the bill I should advise that nothing be said about its being separable, as above suggested, from the other provisions of the bill, but that you simply insist on those provisions being retained in *precisely* their present form. A. W.

All of the large land-owners had appealed from the decision of the appraisers. They were especially strenuous concerning their claims for damages as riparian owners, claiming to own the *filum aquae*, or thread of the stream, and consequently the water power of the river. This claim the appraisers excluded, and the appeals followed. About the middle of March efforts were made to obtain stipulations for the withdrawal of the appeals which were endangering the passage of the bill. Those refusing to stipulate to withdraw their appeals in case the bill passed gradually were reduced down to Mrs. Burrell, Mr. Hill and the Prospect Park Company.

Nearly 5,000 circular letters had been mailed and about 1,500 responses had been received. That meant that 1,500 letters from all sections of the State had poured in upon the Legislature, asking the members to vote for the bill. Many who had decided to vote against it, when they found each morning on their desks letters from prominent citizens of their districts asking them to support it, changed their minds.

This change of feeling was gradually becoming apparent at Albany. But the opposition to the bill had also been developing and remonstrances were numerous, particularly from the farming counties. To counteract their effect, this petition was sent, first to those who had shown the most marked interest in the bill, and afterwards to all who had sent favorable replies to the circular letter:

*"TO PRESERVE THE SCENERY OF THE FALLS OF
NIAGARA."*

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW YORK.—We, the undersigned, citizens of the State of New York, believe it the duty of the State to do what it can to preserve the beauty of the Falls of Niagara, and to make the enjoyment of the same free to all persons. We are satisfied that, to fulfill this duty, the State must acquire the property selected by the Niagara Falls Commission, and that this can be done at less cost now than at any future time; while we fear, if the opportunity be now neglected, it will be lost forever, and that we shall see our State forever dishonored by abandoning the most beautiful and awe-inspiring work of nature upon our continent to ever-increasing disfigurement and desecration by a monopoly.

Mindful of all this, and of the fact that there is not one foot of land in the State of New York from which the Falls of Niagara can be seen without the payment of a fee, we do most earnestly petition your honorable body to do that which you now may to cure this disgrace and to redeem the name of the State of New York, by appropriating the sum which the Commissioners of Arbitration, appointed under the law of 1883, have determined should be paid for the property in question.

With the petition were enclosed a stamped envelope for its transmission to Albany, and a printed slip which read as follows:

DEAR SIR:—As you have shown an earnest desire to have the Falls of Niagara restored to the public, and to save the scenery of Niagara from destruction we appeal to you to obtain the signatures of a few friends and send the petition as quickly as possible to your Representative in Legislature at Albany. *It is of vital importance that this should be done at the earliest possible moment in order to attain the object in view. Do not hold petition more than two or three days.*

NIAGARA FALLS ASSOCIATION,

P. O. Box 105, New York City.

When the names signed to the responses were exhausted attention was turned to special sources from which assistance might be expected. Petitions were sent to the Alumni of Niagara University throughout the State, because of their knowledge and interest in the Falls and their surroundings. The coöperation of the Alumni of Cornell was also sought in a circular letter from James Fraser Gluck. The result of this work was that a flood of petitions poured in upon the Senate and Assembly from all sections of the State. Hon. John W. Vrooman, clerk of the Senate, stated that one morning it required two hours to read the headings of petitions in favor of the Niagara Reservation bill, and the remonstrances received were outnumbered more than a hundred-fold. Hon. Chauncey M. Depew had written letters to many prominent men in the State, and Mr. J. B. Harrison, the corresponding secretary of the Niagara Falls Association, was now started upon a tour of the State to deliver Mr. Depew's letters, and personally explain the situation of the bill in the Legislature. April 3d, he writes: "I have delivered Mr. Depew's letters—some 25—with others, going to Kingston, Saratoga, Amsterdam, Ilion, Utica, Syracuse, Auburn, Geneva, Canandaigua, Rochester, Batavia, Hornellsville, Elmira, Ithaca, etc. I found cordial coöperation everywhere. Public feeling is at its height and there is danger of delay as people everywhere are beginning the autumn political campaign."

Persons who had advocated the Reservation bill in the Legislature of 1883 were requested to telegraph to the Senators and Assemblymen asking them to vote for the bill. April 13th, Senator Robb telegraphed: "Will telegraph as many as possible." This was to ask the coöperation of ex-Members of the Legislature. A postal-card from Theodore Roosevelt said: "I will at once write or telegraph to every one of those whom I know to ask their vote."

On April 2d, Senator Robb wrote: "I have not yet been able to have the bill reported though they promise to do so tomorrow, and when I went this morning to Lansing to ask why it was not let out he wished to know if they yet had Hubbell's bill. Altogether I am convinced that we are in

for a fight to make them let it out." The following day he telegraphed: "Bill reported amended, favorably; made special order for next Thursday." On Thursday he telegraphed: "Best we could do was to progress and make another special order for Tuesday morning next."

On the same day he wrote: "I have grave fears now that the measure will be lost, for it can readily be passed and yet go to the Governor in such shape as to prevent his signing it, or if recalled to meet his requirements cannot be returned to him in time." This refers to a provision of the act of 1883 that unless the bill became a law on or before April 30, 1885, all the proceedings would be void and of no effect. Meantime, by the efforts of Senator Titus, and Messrs. Husted, Horne, Hubbell, Sheehan, Cantor, Driess, Raines, Haggerty, Howe, Roesch, Ely, Kruse and other warm friends of the measure, the bill had been ordered to a third reading in the Assembly. When it came up for passage there was a large attendance of the friends of the bill, including members of the Niagara Falls Association. General Husted led the forces for the bill. Mr. Burnham of Wayne was the leading spokesman for the opposition. Then the results of the work that had been done under the auspices of the Niagara Falls Association became apparent. Mr. Hendricks of Onondaga and other members stated in the course of the debate that originally they had intended to vote against the passage of the bill, but that they had received letters and petitions from so many leading citizens of their districts asking them to support it, that out of deference to the wishes of such a large number of their constituents they would vote for the bill. When the roll was called the vote stood: Ayes, 78; noes, 22. The majority for the bill was decisive, notwithstanding the fact that the Speaker and several others who were expected to vote for the bill voted against it. The only clergyman in the Assembly, Rev. Dr. Olin, voted against the bill, while notwithstanding the remonstrances of the State Grange, the majority of the country members voted in favor of it.

When the bill reached the Senate it was substituted for the Senate bill, then in general orders. The bill was amended

in the Senate by Senator Ellsworth and others, and on April 14th, after four hours' debate, it was ordered to a third reading. It was reached April 16th and passed the Senate in its amended form by a vote of 26 ayes and 4 nays. The negative votes were given by Senators Comstock, Davidson, Low and Thomas. Senator Arkell was absent and Senator Esty was excused from voting. The bill having been amended in the Senate had to be returned to the Assembly for concurrence in the amendments. It had been arranged by Senator Robb that General Husted should take charge of the bill on its delivery to the Assembly and secure such concurrence as soon as possible. There being nothing objectionable in the amendments when the roll was called upon them in the Assembly, they were concurred in. The bill was now in readiness to be sent to the Governor for his consideration.

April 18, 1885, upon the invitation of Hon. O. W. Cutler (then editor of the *Lockport Union*), Governor Hill came to Niagara Falls for the purpose of making a personal examination of the premises proposed to be taken for a State Reservation. During the day he was driven around Goat Island, through Prospect Park, and along the river up as far as Port Day. Accompanying the Governor were his secretary, Col. Gillett, Hon. O. W. Cutler, Hon. Cyrus E. Davis, and the writer. At that time Bath Island* was almost entirely covered by the paper mill and other buildings used in connection with it. Prospect Park was surrounded by a high picket fence, and contained a store, dwelling house, and other buildings that have since been removed. The shore of the river between Prospect Park and First Street was occupied by mills, bazaars and hotels, stables, ice houses, bath houses, pump houses, laundries, sheds and other structures; many unoccupied and in various stages of decay. The Governor made an examination of the territory and buildings, and was also driven to the Whirlpool Rapids. After returning from the drive, standing by a window in

* Now named Green Island, in honor of Andrew H. Green, commissioner of the State Reservation since 1883, and for 15 consecutive years president of the Board of Commissioners.

the Hotel Kaltenbach and looking out over "The Green," in front of the hotel—at that time known as "The Wood Lot," and surrounded by a picket fence, with a frame store building adjacent to the Cataract House, and a horse shed on the upper end adjoining the Porter homestead—referring to Bath Island, the Governor said to the writer that he could not understand why the commissioners had included the island, with its costly paper manufacturing plant, in the territory to be taken for a Reservation by the State. As the paper mill on Bath Island, with its chimneys, shops, stables, sheds, straw stacks, fences, flumes and piers, was, of all the structures proposed to be taken, the greatest disfigurement of the scenery, because of its conspicuous location in the rapids just above the American Falls, and on the pathway of visitors to Goat Island, the Governor's observation gave rise to considerable alarm. Further than this somewhat unsatisfactory manifestation, the Governor gave no indication of the impression made upon him by his visit to Niagara.

That evening, after the departure of the Governor, the writer telegraphed to Senator Robb, at Albany: "Went over ground with Governor. Non-committal, but apparently favorable. May allow bill to become a law without signature, but think he will sign it, if earnestly urged."

The visit of the Governor left a feeling of uneasiness and uncertainty concerning the fate of the bill. On April 24th, Senator Robb wrote from Albany: "Matters continue uncertain, though a dispatch from Mr. Green (at New York), who has seen the Governor there today, telling me to introduce the 'supplemental bill' is encouraging. Hubert Thompson writes me that Hill told him the National Government ought to carry out the project, and I have just had a telegram from Weeks, who has also seen the Governor today, saying the latter doubts the constitutionality of the bill, as passed. There can be no harm now in putting on all the pressure we can, and the more letters we can get influential people to write the better." At this time it became known that for some reason the bill did not come into the hands of the Governor until four or five days after its passage—

probably after the 20th of April. Ordinarily, during the session of the Legislature, 10 days are allowed the Governor for the consideration of a bill, and if he does not approve it or veto it within that time, it becomes a law without his signature. In this case, according to the act of 1883, unless the bill became a law on or before April 30, 1885, all of the proceedings would be null and void. The 10 days allowed the Governor for the consideration of the Reservation bill would not expire until after the 30th of April. This caused great alarm among the friends of the bill, for it gave the Governor the opportunity, if he so desired, of evading the responsibility of signing or vetoing the bill. The measure would thus fail to become a law without any action on his part. On April 25th, the writer sent this telegram to Senator Robb: "Owing to neglect in sending Park bill to Governor in time it must have his signature to become a law. Can you use your influence with him through S. J. T.? Particulars by mail. Answer." Senator Robb replied: "Have been trying to secure influence you mentioned. Believe we have succeeded." It is hardly necessary to state that the influence referred to was that of the Sage of Graystone, Samuel J. Tilden, the political mentor of David B. Hill, who was Tilden's foremost pupil and disciple. How that influence was obtained, the nature and the weight of it, will be told in the course of this narrative.

Meantime friends of the measure, in and out of the Legislature, were requested to call on Governor Hill, or to write to him in behalf of the bill. Among others the Hon. James Haggerty, a leading New York member, wrote: "I called upon the Governor in relation to the Park bill, and urged him to sign it. While there a communication reached him from the Comptroller, pointing out certain defects in the bill. The Governor showed me the letter and impressed me with the idea that he did not attach much importance to them. My impression is that he will sign the bill. If he does not, then I will no longer have any confidence in my powers of perception."

The friends of the measure in New York City had readily secured the coöperation of the New York newspapers,

which were from day to day earnestly urging the approval of the bill. Henry W. Sackett, attorney for the *New York Tribune*, whose deep interest in the Reservation did not cease with its establishment, but has continued during all the years that have intervened, wrote, April 27th: "Our information is that the Governor will sign the bill. He was at Graystone last week, Friday, and the effect of his visit appeared to be marvelously good. But every one interested will breathe easier, when he knows the bill has actually become a law."

In this state of uncertainty a week passed away. It was a week of great anxiety for the friends of the bill, particularly for the people of Niagara Falls, who were most deeply interested in its fate. To them it seemed as if their hopes for the establishment of the Reservation were doomed to disappointment and all their labors to become of no avail. Rumors were rife concerning the intention of the Governor and the consensus of opinion was that he intended to allow the bill to die, in lack of his signature. This view of the matter seemed plausible, as only three days remained of the time allowed for action. Under the circumstances a conference of the members of the Niagara Falls committee was held, and, on the evening of April 26th, the writer started for Albany in order to be on the ground to render any assistance that might be possible. Before starting a telegram was sent to Hon. N. P. Otis, at Yonkers, asking him to call at Greystone, and, if possible, ascertain from Mr. Tilden the probable intention of Governor Hill concerning the bill. At Albany, the following morning, this reply was received from Mr. Otis: "Gov. Hill called on Mr. Tilden last Friday and the whole question was fully discussed. Mr. Tilden favors the bill, and is confident it will be signed." Amid the conflicting and often discouraging rumors of the next three days, this consoling message from Greystone was always kept in mind.

Hon. Mathew Hale, one of the appraisers of the lands for the Reservation, resided in Albany. One of the first steps taken on arrival in Albany was to confer with him concerning the bill in the hands of the Governor. Mr. Hale

stated that Judge Samuel Hand of Albany was the counsel to the Governor in legislative matters and that he was informed that Judge Hand had expressed an opinion to the Governor that the Reservation bill was unconstitutional, and he advised an interview with Judge Hand. On calling on Judge Hand he admitted that he had expressed an opinion to the Governor that he had grave doubts of the constitutionality of any bill calling for an issue of the bonds of the State for one million of dollars (the limit of the Constitution), for any purpose excepting a great public emergency. He said that he did not have the Reservation bill in mind when he gave his opinion to the Governor and that he was heartily in favor of it, and added that in a sense it might be considered a great public emergency, as the opportunity to establish the Reservation might not occur again. When asked if he would so modify his opinion expressed to the Governor he at length consented, and wrote a letter to that effect, and gave it to the writer to hand to the Governor.

When Governor Hill read the letter he threw it down upon his desk with a gesture of impatience, and said: "That's just the way with the damned lawyers; they will give you an opinion on one side of a question today, and on the other side tomorrow." Then, facing about, he said to the writer: "You remind me of a story of Cleveland. When he came to Albany, as Governor, it was said that he did not know much about the politics of the State. When an appointment of some kind was to be made, a delegation waited upon him and said: 'We are from St. Lawrence. You know, Governor, St. Lawrence is a Republican county. We think that one of our people should get this office in order to encourage our party in that section of the State.' And he got it. When another office was to be given, another delegation waited upon him and said: 'We are from St. Lawrence. You know, Governor, St. Lawrence is a Republican county. It is hard work for us Democrats to keep alive up there and we think this office should go to a St. Lawrence County man,' and it went accordingly. When yet another office was to be given out a third delegation waited upon him and began: 'We are from St. Lawrence. You know,

Governor, St. Lawrence is a Republican County—.' This was too much for Cleveland and he broke in with: 'Gentlemen, I may not know much about the politics of the State, but, damn it, I *do* know that St. Lawrence is a *Republican county!*' Now," continued Governor Hill, "you have done your duty. You have sent delegation after delegation to me, asking me to sign this bill. There may be some things that I do not know, but I *do* know that you people up in Niagara are in favor of this particular bill." There probably never was a man who could see through a thing of that kind more quickly than Governor Hill.

For several days prominent members of the Legislature had been asked to call at the executive chamber and speak to the Governor in favor of the bill. Among others, Senator Cantor, then a Member of Assembly, was asked. On his return he said: "There is no use of your sending any more people to the Governor. The moment I mentioned the matter he asked me if you had not requested me to speak to him."

A few days later the Governor told a somewhat similar story at the expense of Hon. Rufus W. Peckham, afterwards a Justice of the Supreme Court of the United States, in about these words: "One morning Mr. Peckham came in to see me about some matter, and just as he was leaving he said to me: 'O! by the way, Governor, I sincerely hope you will give your approval to the bill for the establishment of the State Reservation at Niagara.' I said to him, 'Mr. Peckham, who sent you in here to pester me about that bill?' At this he became quite indignant and said, 'Governor, I hope it is not necessary for me to be *sent* here to speak to you in behalf of a bill to preserve the scenery of the Falls of Niagara. It is a measure that appeals to the mind and heart of every enlightened and patriotic citizen and I am surprised, Governor, that you should ask me such a question.' A few moments after his departure Senator Robb came hurriedly into the executive chamber. The moment I saw him I knew I had my man, and I said to him: 'Senator, why did you send Peckham in here to bother me about that Niagara bill?' At which Senator Robb said: 'Well, I saw him as he came

up the hill and asked him if he would not drop in and say a word to you in favor of it.' "

During the three days spent in Albany the committee at Niagara Falls, the commissioners and attorneys, and the association in New York City were kept informed by letter and telegram of the prevailing indications. The telegram from Mr. Otis saying that Mr. Tilden was confident the bill would be signed was the only thing to which the friends of the bill could cling. At this time their patience was thoroughly exhausted. Their disappointment at the course pursued by the Governor was almost unbounded. Many of them gave free expression to their feelings. One, a State official, said: "Let him veto it, and we will kill him at the polls!" Another, a newspaper man, said: "If he vetoes it and becomes a candidate for reelection, I will put up my hired man against him. He would stand just as good a chance of election." This feeling was particularly strong at Niagara Falls, where the strain was greatest. And subsequently, when Gov. Hill became a candidate for reelection, and probably expected a large complimentary vote at Niagara Falls, where the Reservation had been established, he did not get it, as he should have received it, although a special effort was made in his behalf. The people remembered that he had delayed favorable action upon the bill until the last moment, apparently forgetting that "the Lord loveth a cheerful giver." On the other hand, when we remember that the bill was strongly opposed in the rural counties of the State, and that there was a large and influential body of our citizens who believed the project should be carried out by the National Government; when we consider that it was a new departure in State policy, which might lead to great abuses, and that many thought it highly imprudent to bond the State to the limit of the Constitution for such an object lest some great public emergency should arise, such as a calamity to the Erie Canal, for which there would be no adequate constitutional provision remaining, for which reason the bill was regarded with disfavor by the Comptroller and other State officers—it is not to be wondered that the Governor hesitated to give it his signature, and the fact that

he did not seek to score a point upon his political opponents who were in the majority in the Legislature and make political capital by vetoing it, but that he did give it his approval under such circumstances, entitled him to the gratitude of the citizens of Niagara Falls, which debt of gratitude was increased by his favorable action on all of the bills arising from the development of the water power at Niagara during the eventful seven years of his service as Governor of the State.

April 30th, the last day allowed by law, arrived, and the forenoon was spent in a state of feverish anxiety—not lessened by frequent rumors of a veto in the Senate or Assembly; some of them started in a spirit of mischief by the newspaper reporters. When noon came it seemed as if the bill would surely fail, for lack of executive approval. But the darkest hour is just before daybreak. Shortly after noon a newspaper man hurriedly came to the writer in the Assembly chamber and said that the Governor had just signed the Niagara bill. A hurried passage was made to the office of the Secretary of State to see if the bill had been received from the Governor. It had not been received. At that moment the door was opened by the Governor's messenger, who placed the bill in the hands of the writer, saying: "Here is your little joker." A glance at the bill showed it to be the Niagara Reservation bill and on the last page was the much-coveted signature of David B. Hill, rivaling that of Grover Cleveland in diminutive handwriting.

After telegraphing the news of the approval of the bill to Niagara Falls, Buffalo and New York City, in company with Hon. O. W. Cutler, who was also on the ground, a visit was made to the Governor to thank him for his action. The Governor was in the best of humor and recounted many amusing incidents of the way in which he had been besieged by the friends of the bill. On the way down the hill from the Capitol, with Mr. Cutler and Col. Gillett, a stop was made at "Thornton's" for refreshments. There we met a man, notorious for years in Albany as the leader of "the lobby." He expressed satisfaction at the approval of the bill and said: "The 'boys' wanted to 'strike' that bill but I told

them they must not do it; that it was a bill that ought to pass without the expenditure of a dollar—and it did."

Undoubtedly the honorable position taken by the friends of the bill and the land owners; the fairness of all the legal proceedings; the entire absence of jobbery and corruption, from first to last, commanded the respect and commendation of the people of the State. Any departure from this high ground would have been fatal to the measure.

There are grounds for believing that a veto message was prepared by the Governor. That he did not exercise the veto power is probably due to the influence of Samuel J. Tilden, as intimated in a letter from Mr. Otis, a neighbor of Mr. Tilden, received after the approval of the bill, in which he says: "I am greatly pleased that Governor Hill was not misled by the clamor of a few interested parties in deciding so important a matter. My impression is, however, that the bill had a very narrow escape, in fact it is the general impression about here that a veto message had been written when Gov. Hill called on Mr. Tilden. Be that as it may the decision finally reached was wise and sagacious, and will reflect credit on both the Governor and Mr. Tilden." A like view of the close escape of the bill from a veto was also held by Hon. Erastus Brooks, the powerful champion of the movement in 1883, its constant friend, and very properly the chairman of the day at the exercises of dedication, July 15, 1885. He also intimated that President Cleveland intervened in behalf of the measure. In a letter written a short time before his death, he says: "It was 'the pull altogether' that put the bill through, and in the end only an intense and intelligent public opinion saved the bill in the Senate, and its clear defeat in the form of an executive veto. I was among those who pleaded with the Governor for his signature and the President's urgency, I think, made assurance doubly sure in the end." Be that as it may, at the banquet given by the Rochester Chamber of Commerce at Niagara Falls, June 11, 1897, after the Reservation bill of 1885 had been a law for about 12 years, it was gratifying to hear Governor Hill express his satisfaction with his part in signing

the bill, saying that while he did not claim great credit for some of his official acts, that *that* was one of which he was particularly proud.

NOTE.—The State Park at Niagara Falls was formally delivered to the people of the State of New York on Wednesday, July 15, 1885. The ceremonies of that day drew thither the largest gathering ever there up to that time, estimated in current newspaper reports at 75,000. There was a parade of some 2,000 troops, including United States regulars and various organizations of the National Guard of the State, many towns being represented; and a detachment of marines from the United States man-of-war Michigan, with bands of music from Niagara Falls, Buffalo, Utica and Cleveland, the latter accompanying the Ohio militia organization known as the Cleveland Grays. The Mexican National band was also present. A salute of 100 guns was fired at sunrise by the 7th Battery, N. G. S. N. Y. The ceremonies attending the transfer of the lands were held at Prospect Park at 12 o'clock noon, Hon. Erastus Brooks being president of the day. The exercises consisted of a prayer by Rt. Rev. A. Cleveland Coxe; the singing of the National Anthem and of "The Star-Spangled Banner" by a chorus of 400, drawn from the Orpheus and Schubert societies of Niagara Falls, and the Orpheus, Saengerbund and Liedertafel societies of Buffalo; a presentation address by Hon. William Dorsheimer, president of the Commission; response by Gov. David B. Hill; oration by Hon. James C. Carter of New York; the singing of Keller's "American Hymn," Doxology, benediction and a Federal salute. The Buffalo Historical Society was represented on the occasion by the following committee: William H. H. Newman, president; Hon. James Sheldon, vice-president; Dr. Leon F. Harvey, recording secretary; George G. Barnum, corresponding secretary; Sherman S. Jewett, Hon. E. G. Spaulding, Hon. James O. Putnam, Gerhard Lang, Hon. James M. Smith, William Clement Bryant, Rev. A. T. Chester, D. D., Hon. E. S. Hawley, Gen. John C. Graves, William K. Allen, Thomas B. French, George W. Townsend, J. H. Tilden, Emmor Haines, Otto Besser, Charles B. Germain. Among many other distinguished guests were Lt.-Gov. Robinson of the Province of Ontario, Hon. Oliver Mowat, Premier of Ontario, and many other Provincial officials and officers of the Niagara Park Commission for Ontario. Letters were read from President Cleveland, the Governor General of Canada, and Samuel J. Tilden; and a cabled message of congratulation from the Commons Reservation Society of London, Eng. The day ended in a blaze of fireworks glory on both sides of the Niagara.

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